



## Final Regulation Agency Background Document

<b>Agency name</b>	Board for Contractors
<b>Virginia Administrative Code (VAC) citation</b>	18 VAC 50-30
<b>Regulation title</b>	Board for Contractors Tradesman Regulations
<b>Action title</b>	Amending Regulations to add Certified Water Well Systems Providers
<b>Date this document prepared</b>	June 12, 2007

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

Chapter 792 of the Acts of the General Assembly (2005) amended Article 3 to Chapter 11 of Title 54.1 of the Code of Virginia. This amendment to the statutes introduces "Certified Water Well Systems Providers" to the regulatory authority of the Board for Contractors (The Board). In order to facilitate this introduction, the current regulations must be amended to define entry requirements, list fees and set certificate maintenance procedures for this new program. In many instances, specifically those sections that provide general information about all programs incorporated into these regulations, the amendment only adds water well systems providers as a Board regulatory program. In other areas, however, new ground was developed to facilitate the requirements, unique to this program, that were set in the statutes, including the establishment of three levels of certification and a continuing education renewal/reinstatement requirement.

There were no changes to the final regulation from the proposed regulation.

**Statement of final agency action**

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On June 5, 2007, the Board for Contractors voted to adopt these amendments to 18 VAC 50-30-10 et seq. as final.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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As provided in Chapter 792 of the Acts of the General Assembly, Section 54.1-1130.B of the Code of Virginia provides the authority for the Board to issue certificates to practice as a water well systems provider in the Commonwealth.

As provided in Chapter 792 of the Acts of the General Assembly, Section 54.1-1129.1(A) of the Code of Virginia provides the authority for the Board to establish three levels of certification to practice as a water well systems provider: (i) trainee; (ii) journeyman; and (iii) master.

As provided in Chapter 792 of the Acts of the General Assembly, Section 54.1-1130.B of the Code of Virginia provides the authority for the Board to require applicants to take an examination to determine the applicant's general knowledge of water well systems.

As provided in Chapter 792 of the Acts of the General Assembly, Section 54.1-1130.B of the Code of Virginia provides the authority for the Board to certify without examination applicants who provide proof of being actively and continuously engaged in water well construction activities immediately prior to July 1, 2007, as follows: 1) at least one year for trainee certification; 2) at least three years for journeyman certification; and, 3) at least six years for master certification.

As provided in Chapter 792 of the Acts of the General Assembly, Section 54.1-1129.1(B) of the Code of Virginia provides the authority for the Board to require the completion of continuing education as a prerequisite to renewal or reinstatement as a certified water well systems provider.

The content of the regulations is up to the discretion of the Board, but shall not be in conflict with the purposes of the statutory authority.

**Purpose**

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The Board seeks to amend its current Tradesman Regulations to add Certified Water Well Systems Providers as required by Chapter 792 of the Acts of the General Assembly approved March 26, 2005.

First, after studying data relative to inspection reports and the certification/education requirements in other states, the General Assembly determined the need to certify water well systems providers in Virginia to protect the health, safety and welfare of the public by protecting the Commonwealth's domestic water supply.

Second, this certification program will ensure that the installation and repair of water wells and water well systems in Virginia are performed by individuals who have sufficient educational training and practical experience to be competent in this field. This legislation also requires continuing education to apprise certified individuals of safety issues associated with the advances and changes in water well systems work. By ensuring that water well systems providers meet minimum educational and practical experience standards as a condition for certification, and by ensuring that these certification holders receive continuing education on the advances and changes in their field of expertise, Virginia's and its citizens' domestic water supply will be adequately protected from the many hazards associated with contaminated domestic water.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

Chapter 792 of the Acts of the General Assembly added Article 3 to Chapter 11 of Title 54.1 of the Code of Virginia. This amendment to the statutes introduces "Certified Water Well Systems Providers" to the regulatory authority of the Board. These regulations will define entry requirements, list fees, set certificate maintenance procedures and establish three levels of certification for this new program. Since this is a new program all changes made to the existing regulations are substantive.

Many of these changes are "administrative" in nature and merely add the term "water well systems provider" to existing language that includes all of the individual regulatory programs referenced in these regulations. This would include definitions and references to administrative actions such as renewal and reinstatement that are common to the other programs.

Other changes outline entry, examination, and continuing education requirements for those individuals applying for certification, renewal and reinstatement as water well systems providers, including formal vocational training hours, acceptable levels of practical experience and continuing education hours. Fees applicable for this new certification program are incorporated into the sections that contain fees for all other programs within these regulations.

This Board program will establish three levels of individual certification as a water well systems provider: (i) trainee; (ii) journeyman; and (iii) master.

## Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*

3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

1) In amending these regulations the Board is complying with the 2005 law establishing a program to certify water well systems providers. After studying data relative to inspection reports and the certification/education requirements in other states, the General Assembly determined a need for this level of regulation to protect the public. The primary advantage of the program is to ensure that the installation and repair of water wells and water well systems in Virginia are performed by individuals who have received sufficient training and demonstrated enough experience to be competent. This legislation also requires continuing education to apprise certified individuals of safety issues associated with advances and changes in water well systems work.

The only possible disadvantage to the program will involve the availability of formal vocational training and continuing education classes for applicants and regulants in areas geographically remote to population centers. Such difficulties may occur during the first renewal cycle, but should become less problematic as more training programs are approved by the Board, and the physical location of the regulant population is identified. Furthermore, the Board approved its first internet-based formal vocational training program for the electrical trade in 2005, thereby establishing a precedent to accept internet-based educational programs for other regulatory programs, such as water well systems providers.

2) This program is predicted to have a moderate impact on the Board and its licensing staff. Water Well Systems Providers will be the Board’s third individual certification program, so the initial licensing of approximately 2500 water well systems providers in July 2007 should not require significant staff training staff or modifications to existing software. However, monitoring compliance with the biennial continuing education requirement for water well systems providers will require fairly significant staff training and time.

3) The development of this program, through the legislative process, was supported by many within the water well industry, local and state government officials and the public. Testimony provided at legislative committee meetings indicated that the majority of those individuals currently employed in the water well systems provider field already belong to organizations that have substantive training and continuing education programs in place and would welcome a requirement that ALL individuals performing this type of work meet those same standards of training and continuing education. All of Virginia’s border states already license or certify individuals who perform this type of work.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

No changes were made to the text of the proposed regulation since its publication.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

Commenter	Comment	Agency response
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<p>Teresa Gregson, Vantage Point Consulting, LLC (On behalf of the Virginia Water Well Assoc.) P.O. Box 17423, Richmond, VA 23226 Letter received by U.S. Mail</p>	<p>The proposed regulations' fee schedule format concerning the \$90 fee for initial certifications and \$40 renewal fee is confusing to some.</p> <p>The proposed regulations require that each certified Water Well Systems Provider (WWSP) complete eight hours of continuing education (CE) every two years to renew certification. However, the regulations do not appear to prohibit a WWSP from repeating the same course for CE credit within the two-year certificate cycle. Repeating courses for CE credit within one certification period should be prohibited.</p> <p>The proposed regulations have no requirement that WWSPs complete courses from each of the three distinct CE content areas of: 1) technical aspects of water well construction; 2) applicable statutory and regulatory provisions; and, 3) business practices related to water well construction. The Board should require that each regulant complete at least one course in each CE content area to renew certification.</p>	<p>The fees schedules format in the Board for Contractors Regulations is understandable.</p> <p>There is no specific provision in the proposed regulations prohibiting a WWSP from taking the same CE course for credit within the two-year certificate cycle. The Board has no data indicating that this would occur. If this situation occurs during the initial stages of the WWSP program, then the Board will revisit this concern.</p> <p>The Board has no data indicating whether requiring certificate holders to complete CE in each distinct content area would have an adverse effect on the health, safety or well-being of the public. A brief survey of other surrounding states requirements appears to support this. West Virginia has no CE requirement. North Carolina requires eight hours of CE each year, and it has no distinct content area requirements. Tennessee requires five hours of CE each year, and it has no distinct content area requirements. South Carolina requires 12 hours of CE every two years, and it has no distinct content area requirements. Kentucky requires three hours of CE each year, and it has no distinct content area requirements. Maryland requires 20 hours of CE every two years, and it only requires that 10 of these hours be directly related to the category of license that the individual holds. Texas requires four hours of CE each year, and it only requires that one hour address the laws and rules governing this trade.</p>
<p>H. Wayne Fenton, Past President, Virginia Water Well Association, Fenton Well Drilling, 218 Merrimac Road</p>	<p>The proposed regulations require that each certified Water Well Systems Provider (WWSP) complete eight hours of continuing education (CE) every two years to renew certification. However, the regulations do not appear to prohibit a WWSP from repeating the same course for CE credit within the two-year certificate cycle. Repeating</p>	<p>There is no specific provision in the proposed regulations prohibiting a WWSP from taking the same CE course for credit within the two-year certificate cycle. The Board has no data indicating that this would occur. If this situation occurs during the initial stages of the WWSP program, then the Board will revisit this concern.</p>

<p>Blacksburg, VA 24060 Roanoke Public Hearing</p>	<p>courses for CE credit within one certification period should be prohibited.</p> <p>There is no requirement that WWSPs complete courses from each of the three distinct CE content areas of: 1) technical aspects of water well construction; 2) applicable statutory and regulatory provisions; and, 3) business practices related to water well construction. The Board should require that each regulant complete at least one course in each CE content area to renew certification.</p>	<p>The Board has no data indicating whether requiring certificate holders to complete CE in each distinct content area would have an adverse effect on the health, safety or well-being of the public. A brief survey of other surrounding states requirements appears to support this. West Virginia has no CE requirement. North Carolina requires eight hours of CE each year, and it has no distinct content area requirements. Tennessee requires five hours of CE each year, and it has no distinct content area requirements. South Carolina requires 12 hours of CE every two years, and it has no distinct content area requirements. Kentucky requires three hours of CE each year, and it has no distinct content area requirements. Maryland requires 20 hours of CE every two years, and it only requires that 10 of these hours be directly related to the category of license that the individual holds. Texas requires four hours of CE each year, and it only requires that one hour address the laws and rules governing this trade.</p>
<p>Curtis Bordeuryk, Vice President, Virginia Water Well Assoc., 17558 Taylors Creek Road Montpelier, VA 23192 Richmond Public Hearing</p>	<p>Thank you for including the Virginia Water Well Association in the WWSP regulatory process. The Association is pleased with the process and is available to help the Board.</p>	<p>N/A</p>

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
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<p>18 VAC 50-30-10</p>		<p>Definitions</p> <p>Definition of "Regulant" amended</p> <p>Definition of "Reinstatement" amended</p> <p>Definition of "Renewal" amended</p>	<p>Adds "water well systems provider" to definition. Brings language into compliance by deleting "a tradesman license or backflow prevention device certification card holder," and by adding "an individual licensed as a tradesman, liquefied petroleum gas fitter, natural gas fitter provider or certified as a backflow prevention device worker, or water well systems provider."</p> <p>Brings language into compliance by deleting "tradesman" and "backflow prevention device worker."</p> <p>Brings language into compliance by deleting "tradesman" and "backflow prevention device worker."</p>
<p>18 VAC 50-30-40</p>		<p>Evidence of Ability and Proficiency</p> <p>Creates Paragraph E</p>	<p>Paragraph E outlines the requirements for examination for certification as a water well systems provider: "1) one year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider to qualify for examination as a trainee water well systems provider; or, 2) three years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider and 24 hours of formal vocational training in the trade to qualify for examination as a journeyman water well systems provider; or, 3) six years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems under the supervision of a certified master water well systems provider and 48 hours of formal vocational training to qualify for examination as a master water well systems provider."</p> <p>These practical experience, formal vocational training, and examination requirements are similar to the requirements for other licenses and certifications within the Board for Contractors Tradesman Regulations. These requirements are also similar to the licensure or certification requirements of Virginia border states that regulate water well systems providers.</p> <p>The law as enacted requires a minimum of one</p>

		<p>year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems and successful completion of an examination to be certified as a trainee. The proposed regulations require one year of full-time practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems and successful completion of an examination to be certified as a trainee water well systems provider</p> <p>The law as enacted requires a minimum of three years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems and successful completion of an examination to be certified as a journeyman. The proposed regulations require three years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems, 24 hours of formal vocational training in water well systems, and successful completion of an examination to be certified as a journeyman water well systems provider.</p> <p>The law as enacted requires a minimum of six years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems and successful completion of an examination to be certified as a master. The proposed regulations require six years of practical experience in the drilling, installation, maintenance, or repair of water wells or water well systems, 48 hours of formal vocational training in water well systems, and successful completion of an examination to be certified as a master water well systems provider.</p> <p>Of the states that border Virginia, Maryland's water well driller license requirements are closest to Virginia's proposed certification requirements. Maryland also has three levels of water well driller licensure - master, journeyman, and apprentice with similar practical experience requirements (7 years, 5 years, and one year respectively), and successful exam completion. Other border states surveyed, such as North Carolina, Tennessee, Kentucky and West Virginia, have one level of licensure, but each state, excluding West Virginia which issues only one license, issues two different licenses, such as the Water Well Driller, Water Well Monitor, or Water Well Pump Installer licenses. Each of these licenses requires at least two years of practical experience in water well drilling/pump work and successful exam completion. Virginia's Water Well Systems</p>
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			<p>Provider Certificate will authorize the holder to perform both water well drilling and water well pump work. Virginia’s proposed practical experience entry requirements are reasonable personal qualifications for the risks associated with this type of work which must ensure public health, safety and protection by providing safe potable water. The Board, industry experts, government officials, and the general public agreed that the public’s health, safety and welfare are best protected through a certification program that includes these practical experience requirements.</p> <p>In addition to the practical experience requirement, the Board has proposed that journeyman and master certification applicants complete 24 and 48 hours, respectively, of formal vocational training. Although it appears that no other state have a specific precertification education requirement, the Board affirmed that the nature of water well systems work requires that practitioners have extensive and current knowledge concerning their vocation. The Board has historically required formal vocational training for all individual licensing and certification programs to ensure that those individuals who chose not to enter a profession through an approved apprenticeship program are provided equivalent training to those who do. The Board determined, however, that water well systems providers should not be burdened with the same educational requirements of tradesman, such as plumbers and electricians, since the scope of their practice is much smaller and the availability of courses related to the subject matter is more restricted. Discussions with industry representatives, association representatives, and education providers indicate that the 24 and 48 hour requirements provide a reasonable amount of formal vocational training that will ensure adequate exposure to information to safely perform the job while not being an unnecessary burden to the regulants.</p>
<p>18 VAC 50-30-90</p>		<p>Fees for licensure, certification and examination amended</p> <p>Title changed to delete “examination”</p> <p>Paragraph A amended</p>	<p>The title of this section is amended to delete the word “examination,” since examination requirements are expressed in 18 VAC 50-30-100.</p> <p>Paragraph A of this section is amended to include</p>

		<p>Paragraph B deleted</p> <p>Paragraphs C through H revised into New Paragraph B</p>	<p>“shall not be prorated” concerning fees required by the board. The board receives a number of telephone calls from licensees and potential licensees requesting clarification of the policy that fees not be prorated.</p> <p>This concerns a check or money draft for a fee that is not honored by a bank requires a \$25 processing charge. These charges are administrative fees charged by the agency, not fees that can be set by the Board.</p> <p>The proposed regulations take paragraphs C through H and combine them into single paragraph B, which lists fees in a chart format, which is much less confusing and easier to read than the narrative format used in the current regulations.</p> <p>Establishes fees for the certification of Water Well Systems Providers in New Paragraph B. These fees are consistent with the fees of the other individual license and certification programs incorporated under these regulations.</p> <p>It is anticipated that approximately 2500 individuals will apply for the water well systems provider certification. This will have a moderate effect on the Board’s revenue. The Callahan Act requires that DPOR review each board’s expenditures at the close every biennium and to adjust fees if necessary.</p>
18 VAC 50-30-100		Fees for Examinations	This section is amended to include “water well systems providers” as an examination category to meet the statutory requirement.
18 VAC 50-30-120		<p>Renewal</p> <p>Paragraph A amended</p> <p>Creates New Paragraph B</p>	<p>“Tradesman” and “backflow prevention device worker” are deleted to make the paragraph generic. All licenses and certificates issued by the Board expire two years from the last day of the month in which they were issued. Eliminating the specific language allows for future additions to licensure and certification without the need to amend the regulations.</p> <p>New Paragraph B is specific to water well systems providers. This was necessary to add the provision of continuing education for renewal as required by the initiating legislation.</p> <p>“Eight hours of continuing education in the specialty of technical aspects of water well construction, applicable statutory and regulatory</p>

		<p>Current Paragraph B is reorganized into New Paragraphs C through G</p>	<p>provisions, and business practices related to water well construction from a provider approved by the board” is required every two years to renew water well systems provider certification in accordance with § 54.1-1129.B of the Code of Virginia.</p> <p>This continuing education requirement is consistent with the range of continuing education requirements for licensed or certified water well drillers/pump installers in states that border Virginia. For example, West Virginia has no continuing education requirement, while Maryland requires 20 hours of continuing education every two years.</p> <p>New Paragraph C changes the renewal fee information from a narrative to a chart format. This paragraph also adds the renewal fee for “water well systems providers,” as \$40, which is equivalent to the renewal fee for all other programs incorporated into these regulations. Virginia’s proposed water well systems provider renewal fee of \$40 every two years is significantly lower than the renewal fees for Maryland, North Carolina, Tennessee and Kentucky. West Virginia does not have a certification renewal fee. It is anticipated that approximately 2500 individuals will apply for the water well systems provider certification. This will have a moderate effect on the Board’s revenue. The Callahan Act requires that DPOR review each board’s expenditures at the close every biennium and to adjust fees if necessary.</p> <p>New Paragraphs D through G take the provisions of the original Paragraph B and separate them into individual paragraphs. This clarifies the format and makes the provisions easier to read and cite in correspondence and documentation.</p>
<p>18 VAC 50-30-130</p>		<p>Reinstatement</p> <p>Paragraph A amended</p> <p>Paragraph B (Part 1) is amended</p>	<p>“Tradesman” and “backflow prevention device worker” are deleted to make the paragraph generic. All licenses and certificates issued by the board require reinstatement if not renewed within 30 days of the expiration date. Eliminating the specific language allows for future additions to licensure and certification without the need to amend the regulations.</p> <p>New Paragraph B changes reinstatement fees from a narrative to a chart format.</p>

		<p>Paragraph B (Part 2) is reorganized into Paragraphs C through F</p> <p>Paragraph E amendments</p> <p>Paragraph F amendments</p> <p>Paragraph C reorganized into Paragraphs G and H</p> <p>Paragraph G amendments</p>	<p>“Water well systems provider certification” is added as a reinstatement category. The reinstatement fee for water well systems providers is equivalent to the reinstatement fee for all other programs incorporated into these regulations.</p> <p>These changes reorganize the individual provisions of current Paragraph B and separate them into their own individual paragraphs. This clarifies the format and makes the provisions easier to read and cite in correspondence and documentation.</p> <p>Adds, “liquefied petroleum gas fitters,” “natural gas fitter providers,” and “water well systems providers” as reinstatement categories. “Tradesman” and “backflow prevention device worker” removed to make the paragraph generic.</p> <p>Adds, “liquefied petroleum gas fitter,” “natural gas fitter provider,” and “water well systems provider” as subject to prosecution for unlicensed activity.</p> <p>“Tradesman” and “backflow prevention device worker” removed in order to make the paragraph more generic.</p>
<p>18 VAC 50-30-190</p>		<p>Prohibited Acts</p> <p>Paragraph 2 amended</p> <p>Paragraph 3 amended</p> <p>Paragraph 4 amended</p> <p>Paragraph 5 amended</p> <p>Paragraph 6 amended</p>	<p>“Tradesman” and “backflow prevention device worker” removed to make the paragraph generic.</p> <p>Adds, “water well systems provider” as required to report to the board the suspension or revocation of a certification card.</p> <p>Adds, “liquefied petroleum gas fitter,” “natural gas fitter provider,” and “water well systems provider” as subject to gross negligence. Amends “trade or” to “tradesman” and “work” to “worker.”</p> <p>Adds, “liquefied petroleum gas fitter,” “natural gas fitter provider,” and “water well systems provider” as subject to misconduct. Amends “trade or” to “tradesman” and “work” to “worker.”</p> <p>Adds, “liquefied petroleum gas fitter,” “natural gas fitter provider,” and “water well systems provider”</p>

		<p>Paragraph 7 amended</p> <p>Paragraph 13 amended</p> <p>Paragraphs 14 and 15 amended</p> <p>Creates Paragraph 16</p>	<p>as subject to misconduct. Amends “the trade” to “a tradesman” and “work” to “worker.”</p> <p>Adds, “liquefied petroleum gas fitters,” “natural gas fitter providers,” and “water well systems providers” as subject to abandonment and retention or misapplication of funds.</p> <p>Adds “water well systems provider” as subject to disciplinary action.</p> <p>The word “and” is deleted after Paragraph and 14 and the word “and” is inserted after Paragraph 15.</p> <p>Prohibited Act 16 adds as a cause for disciplinary action the “Failure to obtain any document required by the Virginia Department of Health for the drilling, installation, maintenance, repair, construction or removal of water wells, water well systems, water well pumps, or other water well equipment.” This prohibited act will ensure that certified water well systems providers adhere to relevant Department of Health statutes and regulations implemented to protect the public from contaminated water.</p>
18 VAC 50-30-200		<p>Professional Education</p> <p>Creates Paragraph C</p>	<p>“Water well systems provider formal vocational training courses must be completed through schools or programs approved by the board.”</p>
	18 VAC 50-30-210	Continuing Education Providers	<p>The intent of the board is to approve both continuing education providers (schools, organizations, etc.) and continuing education courses. This section of the regulations pertains to the procedures that must be followed by continuing education providers in order to be approved by the board.</p> <p>The Board for Contractors, having no desire to “reinvent the wheel,” used applicable procedures and language from the already established continuing education program in place with the Real Estate Board making changes, where required, to fit the continuing education program designed for individual license and certification card holders.</p> <p>Paragraph A lists the information that must be provided as part of the application from a provider that is seeking approval by the board.</p> <p>Paragraph B sets the requirement that providers</p>

			<p>must be approved by the board prior to offering courses for credit and that correspondence and distance learning courses must include appropriate testing procedures.</p> <p>Paragraph C requires that all providers must maintain a record for each student, lists information that must be included in that record, authorizes board representatives to inspect the records, and requires that records be retained for five years.</p>
	18 VAC 50-30-220	Continuing Education Courses	<p>This section establishes the procedures for approval of continuing education courses offered by approved providers. The board will approve continuing education courses separately from its approval of continuing education course providers to ensure that those courses approved for continuing education credit</p> <p>Paragraph A defines acceptable subject matter for water well systems providers continuing education approved courses as “cover[ing] the specialty of technical aspects of water well construction, applicable statutory and regulatory provisions, and business practices related to water well construction.”</p> <p>Paragraph B lists the application requirements for course approval.</p> <p>Paragraph C provides that courses may be approved retroactively. However, credit will not be given until the course is approved by the board. This provision is in place in the event that an approved provider presents a course with the intent to have it approved at a later date. This is a common occurrence in other licensing programs that require CEU’s, especially at trade conferences, licensing seminars, etc.</p>
	18 VAC 50-30-230	Reporting of Course Completion	<p>This section requires that approved continuing education providers must electronically report continuing education course completion data to the board within seven days of the completion of each course. It is imperative that course completion information be applied to regulants’ records immediately and in a format that can be easily integrated into the board’s current licensing system.</p>
	18 VAC 50-30-240	Posting Continuing Education Provider and Course Certificates of Approval	<p>This section requires that approved continuing education providers must have copies of their provider and course approval documentation available at all course locations.</p>

	18 VAC 50-30-250	Reporting of Changes	This section requires that approved continuing education providers must notify the board of changes in their application information within 30 days and changes in course schedules within 10 days. It is important for prospective students and for the board's records that changes in this type of information be reported immediately to the board.
	18 VAC 50-30-260	Withdrawal of Approval	This section authorizes the board to withdraw approval of any continuing education provider for the following reasons: 1) continuing education courses no longer meet the standards established by the board; 2) fraudulent or deceptive advertisement by the continuing education provider or its agent; or 3) continuing education provider submits false information to the board. It is important for the board to withdraw its approval from education providers that fail to continue to meet the standards established by the board.

**Regulatory flexibility analysis**

*Please describe the agency's analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

Since this is a new program, mandated by law, no other alternatives exist for amending the regulations in order to bring them into compliance with the Code of Virginia. In addition, since the regulation of water well systems providers will be the third individual certification program administered by the Board, established compliance and reporting requirements for these types of programs are already in place which should minimize any adverse impact on affected small businesses.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

These amendments will have no impact on the institution of the family or family stability.